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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/665,642	09/19/2000	George A. Smith	81,568	4763	
759	90 11/05/2002				
Russell R Stolle			EXAMINER		
Huntsman Petro P O Box 15730	chemical Corporation		OGDEN JR, N	, NECHOLUS	
Austin, TX 787	761				
			ART UNIT	PAPER NUMBER	
		•	1751	4	
			DATE MAILED: 11/05/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. 09/665,642 Examiner	Applicant(s) SMITH ET AL.	Ca
Office Action Summany	SMITH ET AL.	
Office Action Summary	1	
Examiner	Art Unit	
Necholus Ogden	1751	
The MAILING DATE of this communication appears on the cover sheet with	h the correspondence address	S
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MO THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a rep after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTH - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABAI - Any reply received by the Office later than three months after the mailing date of this communication, even if tim earned patent term adjustment. See 37 CFR 1.704(b).	ply be timely filed (30) days will be considered timely. HS from the mailing date of this commun	ication.
1) Responsive to communication(s) filed on 15 August 2002.		
2a) ☐ This action is FINAL . 2b) ☒ This action is non-final.		
3) Since this application is in condition for allowance except for formal matter	ers prosecution as to the me	erits is
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. sposition of Claims		
4)⊠ Claim(s) <u>1-101</u> is/are pending in the application.		
4a) Of the above claim(s) is/are withdrawn from consideration.		
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-101</u> is/are rejected.		
7) Claim(s) is/are objected to.	•	
8) Claim(s) are subject to restriction and/or election requirement.		•
oplication Papers		
9) The specification is objected to by the Examiner.		
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the	e Examiner.	
Applicant may not request that any objection to the drawing(s) be held in abeyan		
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ dis	sapproved by the Examiner.	
If approved, corrected drawings are required in reply to this Office action.		
12) The oath or declaration is objected to by the Examiner.		
riority under 35 U.S.C. §§ 119 and 120		
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. §	119(a)-(d) or (f).	
a) ☐ All b) ☐ Some * c) ☐ None of:		
1. Certified copies of the priority documents have been received.		
2. Certified copies of the priority documents have been received in Ap	oplication No	
 3. Copies of the certified copies of the priority documents have been reapplication from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not reapplication. 	-	е
14)⊠ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §		lication).
a) ☐ The translation of the foreign language provisional application has been 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §	en received.	,
tachment(s)	••	
Notice of References Cited (PTO-892) 4) Interview Su	ummary (PTO-413) Paper No(s) nformal Patent Application (PTO-152	

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2.

Response to Amendment

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Claims 1-101 rejected under 35 U.S.C. 103(a) as being unpatentable over Loh et al (5,193,618) are withdrawn in view of applicant's arguments.

Response to Arguments

1. Applicant's arguments with respect to claims 1-101 have been considered but are moot in view of the new ground(s) of rejection.

Priority

This application as filed states that it is a division of Application No. 08/598,695, filed 02/08/96. A later application for a distinct or independent invention, carved out of a pending application and disclosing and claiming only subject matter disclosed in an earlier or parent application is known as a divisional application or "division." The divisional application should set forth only that portion of the earlier disclosure, which is germane to the invention as claimed in the divisional application. This application does not disclose and claim subject matter that was known in the earlier filed 08/598,695. Specifically, the claimed 2-phenyl alkyl benzenes as described in formula I, claim 1. Therefore, it is the opinion of the examiner that applicant is not afforded the filing date of the parent 08/598,695.

Claim Rejections - 35 USC § 103

2. Claims 1-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/05084.

WO '084 discloses a process for forming an alcohol to alkylate benzene, toluene or similar aromatics, which result in a superior alkylarene sulfonate surfactant product

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(pg. 3, paragraph 3). WO '084 teaches a reaction product of an alcohol with toluene in the presence of a catalyst to yield a compound having 2-phenyl isomer content of 70-80% (pg. 5-pg. 6). WO '084 teach that said surfactants are present in an amount from 0.1 to 99.8%; comprise from 1 to 99.9% adjunct material; and may be in the form of a liquid, bar, granules or gels (pg. 18-19). Note, see examples A-E.

WO '084 does not specifically teach the preferred components in the examples of said reference. However, it would have been obvious to one of ordinary skill in the art to include the non-preferred embodiments of WO '084 to specifically teach the claimed invention. Moreover, it has been held that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). See also Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir.1998).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 703-308-3732. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Necholus Ogden Primary Examiner Art Unit 1751

no November 2, 2002